

## **IC 4-23-5.5**

### **Chapter 5.5. Indiana Energy Development Board**

#### **IC 4-23-5.5-1**

##### **Definitions**

Sec. 1. As used in this chapter:

- (1) "board" means the Indiana recycling and energy development board created by this chapter;
- (2) "department" means the department of commerce; and
- (3) "director" refers to the director of the office of energy policy of the department.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.3; P.L.27-1993, SEC.7.*

#### **IC 4-23-5.5-2**

##### **Creation; membership; vacancies; advisory members**

Sec. 2. (a) The Indiana recycling and energy development board is created and constitutes a public instrumentality of the state. The exercise by the board of the powers conferred by this chapter is an essential governmental function.

(b) The board consists of thirteen (13) members, one (1) of whom shall be the lieutenant governor or the lieutenant governor's designee and twelve (12) of whom shall be appointed by the governor for four (4) year terms. The governor's appointees shall be chosen from among representatives of:

- (1) the coal industry;
- (2) other regulated and nonregulated energy related industries;
- (3) Indiana universities and colleges with expertise in:
  - (A) recycling research and development; or
  - (B) energy research and development;
- (4) agriculture;
- (5) labor;
- (6) industrial and commercial consumers;
- (7) environmental groups; and
- (8) private citizens with a special interest in:
  - (A) recycling; or
  - (B) energy resources development.

No more than six (6) appointive members shall be of the same political party.

(c) A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term of that retiring member. Appointed members may be removed by the governor for cause.

(d) The board shall have eight (8) ex officio advisory members as follows:

- (1) The governor.
- (2) The director of the office of energy policy of the department.
- (3) The director of the department of natural resources.
- (4) The commissioner of the department of environmental

management.

(5) Two (2) members from the house of representatives of opposite political parties appointed by the speaker of the house of representatives for two (2) year terms.

(6) Two (2) members from the senate of opposite political parties appointed by the president pro tempore of the senate for two (2) year terms.

(e) The department shall serve as the staff of the board.

*As added by Acts 1980, P.L.20, SEC.1. Amended by Acts 1981, P.L.24, SEC.6; P.L.143-1985, SEC.180; P.L.10-1990, SEC.4; P.L.27-1993, SEC.8.*

#### **IC 4-23-5.5-3**

##### **Officers; quorum; majority vote; expenses of members**

Sec. 3. (a) The governor shall appoint one (1) of the appointed members as chairman. Seven (7) members of the board shall constitute a quorum and the affirmative vote of a majority of the membership shall be necessary for any action taken by the board. A vacancy in the membership of the board does not impair the right of the quorum to act.

(b) All the members of the board shall be reimbursed for their actual expenses incurred in the performance of their duties. The appointed members may also receive a per diem allowance as determined by the budget agency for attendance of board meetings and activities. All reimbursement for expenses shall be as provided by law.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.5; P.L.27-1993, SEC.9.*

#### **IC 4-23-5.5-4**

##### **Powers and duties of director; staff**

Sec. 4. The director shall be the chief administrative officer for the board and shall direct and supervise the administrative affairs and technical activities of the board in accordance with rules, regulations, and policies established by the board. The director may appoint such employees as the board may require and such agents or consultants as may be necessary for implementing this chapter. The director shall prepare an annual administrative budget for review by the budget agency and the budget committee.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.1; P.L.27-1993, SEC.10.*

#### **IC 4-23-5.5-5**

##### **Conflict of interest; disclosure by members**

Sec. 5. A member of the board must disclose to the board any interest in a project the board may be considering for action. The board shall determine whether that member shall be allowed to participate in activities related to that project.

*As added by Acts 1980, P.L.20, SEC.1.*

#### **IC 4-23-5.5-6**

##### **Powers and duties of board**

Sec. 6. (a) The board shall do the following:

- (1) Adopt procedures for the regulation of its affairs and the conduct of its business.
- (2) Meet at the offices of the department on call of the director, at least once each calendar quarter. The meetings shall be upon ten (10) days written notification, shall be open to the public, and shall have official minutes recorded for public scrutiny.
- (3) Report annually to the legislative council the projects in which it has participated and is currently participating with a complete list of expenditures for those projects.
- (4) Annually prepare an administrative budget for review by the budget agency and the budget committee.
- (5) Keep proper records of accounts and make an annual report of its condition to the state board of accounts.

(b) The board may request that the department conduct assessments of the opportunities and constraints presented by all sources of energy. The board shall encourage the balanced use of all sources of energy with primary emphasis on:

- (1) the utilization of Indiana's high sulphur coal; and
- (2) the utilization of Indiana's agricultural and forest resources and products for the production of alcohol fuel.

However, the board shall seek to avoid possible undesirable consequences of total reliance on a single source of energy.

(c) The board shall consider projects involving the creation of the following:

- (1) Markets for products made from recycled materials.
- (2) New products made from recycled materials.

(d) The board may promote, fund, and encourage programs facilitating the development and effective use of all sources of energy in Indiana.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.6; P.L.27-1993, SEC.11.*

#### **IC 4-23-5.5-7**

##### **Expenditures**

Sec. 7. The board, upon approval by the governor and the budget agency, may make the following expenditures:

- (1) Matching grants to federal, state, and local governmental agencies for research and development of energy resources projects and recycling market development projects in Indiana.
- (2) Matching grants to individuals, corporations, limited liability companies, partnerships, educational institutions, and other private sector groups for energy resources and recycling market research and development.
- (3) Direct grants, loans, or loan guarantees to those individuals and organizations specified in subdivision (1) or (2) of this section.
- (4) Contractual services for energy resources and recycling

market research and development programs.

(5) Purchase or lease land for energy resources and recycling market research and development projects.

(6) Other projects and expenses consistent with this chapter.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.8-1993, SEC.30; P.L.27-1993, SEC.12; P.L.1-1994, SEC.11.*

#### **IC 4-23-5.5-8**

##### **Eminent domain**

Sec. 8. The board does not have the authority to exercise the power of eminent domain.

*As added by Acts 1980, P.L.20, SEC.1.*

#### **IC 4-23-5.5-9**

##### **Additional powers**

Sec. 9. The board may:

(1) on behalf of the state, receive and accept grants, gifts, and contributions from public agencies, including the federal government, and from private agencies and private sources, including the Indiana business modernization and technology corporation, for the purpose of researching and developing energy resources within the state, and may administer such, including contracting with other public and private organizations, to carry out the purposes for which such grants, gifts, and contributions were made;

(2) establish application forms and procedures for programs consistent with this chapter;

(3) accept applications from private and public sources for funding of programs consistent with this chapter;

(4) provide funding for studies, research projects, and other activities required to assess the nature and extent of recycling markets in Indiana and the nature and extent of energy resources to meet the needs of the state, including but not limited to coal and other fossil fuels, alcohol fuels produced from agricultural and forest products and resources, renewable, and other energy resources;

(5) deposit funds not currently needed to meet the obligations of the board with the treasurer of state to the credit of the fund, or invest in obligations as provided by IC 5-13-10.5; and

(6) participate in or sponsor programs, conferences, or seminars aimed at assisting the state in promoting recycling market development and the effective use of all sources of energy in Indiana.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.2; P.L.19-1987, SEC.4; P.L.10-1991, SEC.7; P.L.27-1993, SEC.13; P.L.18-1996, SEC.1.*

#### **IC 4-23-5.5-10**

##### **Energy development fund**

Sec. 10. (a) The "energy development fund" is established as a

dedicated fund to be administered by the board. Money in the fund shall be expended by the board exclusively to effect the provisions of this chapter and may include administrative costs.

(b) All money received by the board for deposit in the energy development fund shall be deposited in the fund.

(c) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year. However, if the fund is abolished its contents shall revert to the general fund of the state.

(d) All money accruing to the fund is appropriated continuously for the purposes specified in this chapter.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.3; P.L.10-1990, SEC.7; P.L.27-1993, SEC.14.*

#### **IC 4-23-5.5-11**

##### **Revolving loan program**

Sec. 11. The board may establish and administer a revolving loan program for the purpose of making low interest loans to projects designed to promote the development and efficient use of energy resources or to promote recycling market development. The interest rates for the loans shall be fixed by the board.

*As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.27-1993, SEC.15.*

#### **IC 4-23-5.5-12 Repealed**

*(Repealed by P.L.11-1993, SEC.9.)*

#### **IC 4-23-5.5-13**

##### **Repealed**

*(Repealed by P.L.11-1993, SEC.9.)*

#### **IC 4-23-5.5-14**

##### **Recycling promotion and assistance fund**

Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds of loans made from the fund.
- (3) Gifts and donations.
- (4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

- (1) persons in establishing new recycling businesses;
- (2) in the expansion of existing recycling businesses; and
- (3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

- (1) amounts;
- (2) terms; and
- (3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

*As added by P.L.10-1990, SEC.9.*

#### **IC 4-23-5.5-15**

##### **Energy efficiency loan fund**

Sec. 15. (a) The Indiana energy efficiency loan fund is established for the purpose of assisting Indiana industries and governing bodies (as defined in IC 36-1-12.5-1.5) in undertaking energy efficiency projects. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds, including interest, of loans made from the fund.
- (3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) The board shall establish:

- (1) amounts, terms, and interest rates for loans under this section; and
- (2) criteria for awarding loans under this section.

(f) A person, business, governing body, or manufacturer that wants a loan from the fund must file an application in the manner prescribed by the board.

*As added by P.L.24-1993, SEC.2. Amended by P.L.227-1999, SEC.11.*

#### **IC 4-23-5.5-16**

##### **Coal research grant fund**

Sec. 16. (a) As used in this section, "center" refers to the center for coal technology research established by IC 4-4-30-5.

(b) The Indiana coal research grant fund is established for the purpose of providing grants for research and other projects designed to develop and expand markets for Indiana coal. The fund shall be administered by the center.

(c) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The center shall establish:

(1) amounts for grants under this section; and

(2) criteria for awarding grants under this section.

(g) A person, business, or manufacturer that wants a grant from the fund must file an application in the manner prescribed by the center.

(h) The center shall appoint a panel of at least eight (8) members to review and make recommendations to the center about each application filed under this section. To be a member of the panel, an individual must be a scientist, a professional engineer registered under IC 25-31-1, or another professional who is familiar with coal combustion, coal properties, coal byproducts, and other coal uses.

(i) The department shall pursue available private and public sources of money for the fund.

*As added by P.L.24-1993, SEC.3. Amended by P.L.159-2002, SEC.2; P.L.171-2003, SEC.2.*